

Chapter 9.36**DISCHARGING WEAPONS***

Sections:

- 9.36.010 Prohibited generally.
9.36.020 Exception.

* For statutory provisions concerning control of concealed weapons, see Pen. Code § 12000, et seq.

9.36.010 Prohibited generally.

It is unlawful for any person to shoot or discharge any gun or firearm, when the same is loaded with any shot or bullet, which will be, by such discharge, discharged therefrom, within the corporate limits of the city. (Prior code § 20.16).

9.36.020 Exception.

Notwithstanding the general prohibition in CVMC 9.36.010, it shall not be unlawful to shoot or discharge any gun or firearm in that portion of the incorporated territory of the city of Chula Vista generally west of the Lower Otay Reservoir described as follows:

That portion of said city of Chula Vista lying southerly of a line drawn from the eastern edge of Wueste Road along the southern edge of Otay Lakes Road east to the 480-foot contour line along the western edge of the Lower Otay Reservoir; following the 480-foot contour line southerly along the western edge of the Lower Otay Reservoir coincident with the southerly edge of the Chula Vista city limits; from there west to the eastern edge of Wueste Road and northerly again to the point of origin along the eastern edge of Wueste Road.

Such shooting or discharge shall only be lawful for patrons of the city of San Diego's Water Fowl Hunting Program, for the purposes of seasonal duck hunting (between October and January of each year, as specified in that program). (Ord. 2370 § 1, 1990).

IX. Mobilehome Park Residence Protection**Chapter 9.40****HOUSING ASSISTANCE**

Sections:

- 9.40.010 Mobilehome park and trailer park conversions – Purpose and intent.
9.40.020 Definitions.
9.40.030 Application for conversion or discontinuance of mobilehome or trailer park.

9.40.010 Mobilehome park and trailer park conversions – Purpose and intent.

It is the purpose of the city council in accordance with the provisions of Sections 65863.7 and 66427.4 of the Government Code of the state to mitigate any adverse impact of the conversion of mobilehome and trailer parks to other uses or the discontinuance of use of mobilehome or trailer parks on the ability of displaced mobilehome or trailer owner/occupants to find adequate spaces in other such parks. It is the intent of the council to impose upon park owners choosing to convert or discontinue their mobilehome or trailer park operations, whether located in exclusive mobilehome park zones or in other commercial or residential zones, the obligation to provide financial assistance or some satisfactory alternative thereto for those mobilehome or trailer owner/occupants who would be dislocated by the decision to convert such mobilehome or trailer parks to uses other than that designated in the zone, or than that to which they have been utilized, or to discontinue use. It is the intent of this chapter to carry out and supplement the requirements of the state law in regard to notification and to establish relocation assistance programs for low- and moderate-income mobilehome or trailer owner/occupants placed in the position of being dislocated as a result of either conversion of mobilehome parks to other uses or discontinuance of use. This section does not apply to mobilehome or trailer owner/occupants who move into mobilehome or trailer parks where the park owner has provided said mobilehome or trailer owner/occupant with written notification at the time they move in of intention to discontinue the mobilehome or trailer park on a specific date within three years of that written notification. (Ord. 2299 § 1, 1989; Ord. 1982 § 1, 1982).

9.40.020 Definitions.

A. "Mobilehome" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California Vehicle Code. "Mobilehome" includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobilehome, as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle, as defined in Section 799.24 of the California Civil Code and Section 18010 of the California Health and Safety Code.

B. "Mobilehome park" is an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation, and where the predominant number of sites are occupied for nine or more consecutive months.

C. "Trailer," for the purpose of this chapter only, is a structure designed for human habitation and for being moved on a street or highway without need for a permit pursuant to Section 35790 of the California Vehicle Code. "Trailer," for the purpose of this chapter only, does not include the following recreational vehicles as defined in Section 799.24 of the California Civil Code: motor homes, slide-in campers, truck campers, and camping trailers. "Trailer," for the purpose of this chapter only, does include the following recreational vehicles, as defined in Section 799.24 of the California Civil Code: travel trailers.

D. "Trailer park," for the purpose of this chapter only, is an area of land where two or more trailer sites are rented, or held out for rent, to accommodate trailers used for human habitation, and where the predominant number of sites are occupied for nine or more consecutive months.

E. "Mobilehome or trailer owner/occupants" are persons owning and occupying a mobilehome or trailer as their principal residence for six months or more during a year. (Ord. 2368 § 1, 1990; Ord. 2299 § 1, 1989).

9.40.030 Application for conversion or discontinuance of mobilehome or trailer park.

A. Application for Conversion or Discontinuance. Prior to the approval of any rezoning, subdivision map, or the issuance of any permit, including a building permit, which would allow the use of any properties presently or hereinafter utilized for mobilehome or trailer parks to be used for any purpose other than a mobilehome or trailer park, or prior to the cessation of use of all or any

part of a mobilehome or trailer park, an application to convert from such use or to discontinue must be filed with the community development department. The requirements of this section shall be applicable whether or not the mobilehome or trailer park is:

1. Located within an exclusive mobilehome park zone;
2. Located within a zone subject to conditional use permit; or
3. Entitled to be used as a mobilehome or trailer park based on nonconforming rights.

B. Application Requirements. The following information or documentation shall constitute application for conversion or discontinuance of an existing mobilehome or trailer park.

1. A relocation plan which shall make adequate provision for the relocation of the mobilehome or trailer owner/occupant who will be displaced by the discontinuance of the use of the property for a mobilehome or trailer park;

2. A profile of the existing park, including:
 - a. Number of spaces,
 - b. Names and addresses of all mobilehome or trailer owner/occupants,
 - c. Date of manufacture of each home,
 - d. Replacement value of each home,
 - e. Estimated cost of relocation of each home,

- f. Length of tenancy of each mobilehome or trailer owner/occupant,

- g. Estimated income and age of each mobilehome or trailer owner/occupant;

3. A timetable for vacating the existing park;

4. Evidence satisfactory to the community development director that agreements satisfying the relocation assistance requirements of this chapter have been offered to eligible mobilehome or trailer owner/occupants. Such evidence may include, but is not limited to, the following:

- a. Written agreements to relocate mobilehomes or trailers owned by low- and moderate-income mobilehome or trailer owner/occupants,

- b. Assistance for low- and moderate-income mobilehome or trailer owner/occupants in the form of payment by the park owner of 75 percent, up to a maximum of \$3,000, of the cost of relocating the mobilehome or trailer to another mobilehome or trailer park within 100 miles;

5. Evidence that the park owner has informed all mobilehome or trailer owner/occupants in writing of alternative sites available to them;

6. Evidence that the park owner has agreed to purchase those homes of low- and moderate-

income mobilehome or trailer owner/occupants which are determined to be not relocatable due to age and/or condition. Such purchases shall be based on standard insurance replacement criteria;

7. Evidence that the displaced residents have been provided right of first refusal to purchase, lease or rent any dwelling units or mobilehome or trailer spaces which may be built on the subject property;

8. A narrative summary of planned new use of property to be converted or reason for non-use;

9. As an alternative to subsection (B)(4)(b) of this section, evidence that the park owner has given the mobilehome or trailer owner/occupants a three-year notice to vacate, said notice being pursuant to Section 798.56(f) of the Civil Code. If such a three-year notice is given, the applicant must assist all low- and moderate-income displaced mobilehome or trailer owner/occupants in accordance with the following schedule:

| If Mobilehome or Trailer Owner/ Occupant Vacates Before End of | Portion of Expenses Paid by Owner | Up to a Maximum of |
|---|---|-----------------------|
| First year | 75% | \$3,000 |
| Second year | 50% | \$2,000 |
| Third year | 25% | \$1,000 |

C. Submittal to and Decision of the Community Development Director. All of the above application information shall be submitted to the community development director. The community development director shall make his decision in the following manner:

1. If the community development director determines that the application is complete and conforms with all regulations, policies and guidelines, and that the relocation plan or other commitments by the park owner mitigate the impact of conversion or discontinuance on the health, safety and general welfare of persons residing in the mobilehome or trailer park, he shall grant the application for conversion.

2. If the community development director determines that the application is not complete or it does not conform with all regulations, policies and guidelines, or that the relocation plan or other commitments by the park owner do not mitigate the impact of conversion or discontinuance on the health, safety or general welfare of persons residing in the mobilehome or trailer park, he shall deny the application for conversion.

3. The community development director may establish the date on which the resolution of conversion or discontinuance will become effective. Such date shall not be more than three years from the date of decision of the community development director, or such earlier date as the applicant has complied with the provisions of an approved relocation plan and submitted evidence thereof to the community development director.

4. In granting or denying the application for conversion or discontinuance of the mobilehome or trailer park, the community development director shall make a written finding in rendering the decision and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth herein.

5. A copy of this written finding of facts shall be filed with the city clerk and the director of planning and building, and shall be mailed to the applicant and to the mobilehome or trailer owner/occupants of the mobilehome or trailer park.

6. The decision of the community development director shall be final on the fifteenth day following the mailing of the decision to the applicant and the mobilehome or trailer owner/occupants required in subsection (C)(5) of this section, except when appeal is taken to the city council as provided in subsection (D) of this section.

D. Appeal from the Decision from the Community Development Director.

1. An appeal from the decision of the community development director on an application for conversion or discontinuance of a mobilehome or trailer park may be taken to the city council within 15 days following the decision of the community development director. The appeal may be taken by the applicant, any governmental body or agency, any owner of real property located within the city or any resident of the city. The appeal shall be in writing on a prescribed form and filed with the city clerk. The appeal shall specify wherein there was an error in the decision of the community development director. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the city council.

2. Upon the filing of the appeal, the community development director shall set the matter for public hearing before the city council at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of this code. Notice of time and place and purpose of such hearing shall be given as follows:

a. By at least one publication in the official newspaper of the city, not less than 10 days prior to the date of the hearing;

b. By mailing notices at least 10 days prior to the date of such hearing to the mobilehome or trailer park owner and to all mobilehome or trailer owner/occupants of the mobilehome or trailer park.

3. Upon the hearing of the appeal, the city council may by resolution affirm, reverse or modify in whole or in part any determination of the community development director, subject to the same limitations as are placed upon the community development director by law and the provisions of this code. The resolution must contain a finding of fact showing wherein the proposed development meets or fails to meet the requirements herein.

4. The decision of the city council shall be final unless appealed to a court of competent jurisdiction.

E. Waiver. The community development director may recommend to the city council the acceptance of other mitigating actions by the park owner in lieu of the specific provisions herein if extreme economic hardship would result for the park owner, or if other proposed mitigating actions have recommending benefit.

F. Notification Requirements. In addition to any notification requirements under the California Civil Code, the following notification requirements shall apply to any application for conversion or discontinuance of mobilehome or trailer park use:

1. A minimum of 10 calendar days prior to an applicant filing an application for conversion or discontinuance of the mobilehome or trailer park, the applicant shall give written notice to each mobilehome or trailer owner/occupant of the mobilehome or trailer park of the proposed change. Such notice shall be subject to the prior approval of the community development director.

2. No public hearing required hereunder to consider an application for conversion or discontinuance of a mobilehome or trailer park use shall be held unless and until the applicant submits to the community development director an affidavit approved as to form by the city attorney declaring that the applicant has given the notice required by this provision.

G. Penalty. Violation of any provision of this chapter by the owners of mobilehome or trailer parks shall be deemed to be a misdemeanor subject to the penalties as established by state law for misdemeanors. In addition thereto, any mobilehome or trailer owner/occupant in a mobilehome or trailer

park where conversion to other uses or discontinuance has been sought or accomplished, and in which violations of the terms and provisions of this chapter have occurred, may seek civil remedies for damages in accordance with the relocation provisions contained herein, no later than one year from the date of lease cancellation or eviction from the mobilehome or trailer park. (Ord. 2790, 1999; Ord. 2368 § 2, 1990; Ord. 2299 § 1, 1989).

Chapter 9.60**SALE OF MOBILEHOME PARKS**

Sections:

- 9.60.010 Definitions.
- 9.60.020 Mobilehome owners' right to purchase.
- 9.60.030 Exemption.
- 9.60.040 Mobilehome park owner affidavit of compliance.
- 9.60.050 Judicial rights.

9.60.010 Definitions.

Unless the context otherwise requires, the terms defined herein shall for all purposes pertaining to this section have the meanings defined herein:

A. "Mobilehome" shall mean a structure designed for human habitation and being moved on a street or highway under permit pursuant to Vehicle Code Section 35790.

B. "Mobilehome owner" or "homeowner" shall mean a person who has a tenancy in a mobilehome park under a rental agreement.

C. "Mobilehome park" or "park" is an area of land where five or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

D. "Mobilehome park owner" means the owner of a mobilehome park or an agent or representative authorized to act on his behalf in connection with matters relating to a tenancy in the park.

E. "Tenancy" is the right of a mobilehome owner to use of a site within a mobilehome park, on which to locate, maintain and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park.

F. "Notify" means the placing of a notice in the United States mail addressed to the mobilehome owners at the mobilehome owners' addresses within the park or as otherwise known to the park owner. Each such notice shall be deemed to be given upon the deposit of the notice in the United States mail.

G. "Offer" means any solicitation by the mobilehome park owner to the general public.

H. "Resident organization" means any organization formed pursuant to Health and Safety Code Section 50561. (Ord. 2268 § 1, 1988).

9.60.020 Mobilehome owners' right to purchase.

A. Any resident organization entitled to notice of a listing of a mobilehome park for sale or notice of any offer to sell the park to any party, pursuant to Civil Code Section 798.80, shall have the right to purchase the park; provided, the resident organization meets the price and terms and conditions of a purchase offer acceptable to the mobilehome park owner. The resident organization shall have the right to purchase the park by executing a contract with the mobilehome park owner within 45 days, unless agreed to otherwise, from the date that a notice required by Civil Code Section 798.80 has been delivered by first class mail or personal delivery to the president, secretary and treasurer of the resident organization. In the event that less than the entire mobilehome park is offered for sale or an acceptable offer to purchase less than the entire mobilehome park is received, the resident organization shall have the right to purchase a portion of the park for a period of 90 days, unless agreed to otherwise, from the date of mailing to the resident organization a notice of the receipt of an acceptable offer to purchase a portion of the park. If a contract between the mobilehome park owner and the resident organization is not executed within the specified period, his only obligation shall be as set forth in subsection (B) of this section, unless the mobilehome park owner thereafter elects to accept a counteroffer to the noticed offer, at a price lower than the price specified in the notice to the resident organization.

B. If the mobilehome park owner thereafter elects to accept an offer at a lower price and/or under different terms and conditions than the price or terms and conditions as specified in his notice to the resident organization, the resident organization will have an additional 15 days to meet the price and terms and conditions of the mobilehome park owner by executing a contract. (Ord. 2268 § 1, 1988).

9.60.030 Exemption.

A. Any sale or other transfer by a park owner who is a natural person to any relation specified in Probate Code Section 6402.

B. Any transfer by gift, devise, or operation of law.

C. Any transfer by a corporation to an affiliate. As used in this subsection, "affiliate" means any shareholder of the transferring corporation; any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation; or

any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation.

D. Any transfer by a partnership to any of its partners.

E. Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a mobilehome park or any deed given in lieu of such a foreclosure.

F. Any sale or transfer between or among joint tenants or tenants-in-common owning a mobilehome park.

G. The purchase of a mobilehome park by a government entity under its powers of eminent domain.

H. Any transfer between co-owners which results in a change in the method of holding title to the mobilehome park without changing the proportional ownership interest of the co-owners in said mobilehome park, such as a partition of a tenancy in common.

I. Any transfer between an individual or individuals and a legal entity, or between legal entities, such as a cotenancy to a partnership, a partnership to a corporation, a corporation to a partnership, or a trust to a cotenancy, which results solely in a change in the method of holding title to the mobilehome park and in which proportional ownership interests of the transferors and transferees, whether represented by stock, partnership interest, or otherwise, in the mobilehome park transferred, remain the same after the transfer. (Ord. 2300 § 1, 1989; Ord. 2268 § 1, 1988).

9.60.040 Mobilehome park owner affidavit of compliance.

A. A mobilehome park owner may, at any time, record in the official records of the county where a mobilehome park is situated an affidavit in which he or she certifies that:

1. With reference to an offer by him or her for the sale of such park, he or she has complied with the provisions of this chapter.

2. With reference to an offer received by him or her for the purchase of such park, or with reference to a counteroffer which he or she intends to make, or has made, for the sale of such park, he or she has complied with the provisions of this chapter.

3. Notwithstanding his compliance with the provisions of CVMC 9.60.020, no contract has been executed for the sale of such park between the owner and the resident organization.

4. The provisions of CVMC 9.60.020 are inapplicable to a particular sale or transfer of such park by him, and compliance with the provisions of this section is not required.

5. A particular sale or transfer of such park is exempted from the provisions of this section.

B. Any party acquiring an interest in a mobile-home park, and any and all title insurance companies and attorneys preparing, furnishing or examining any evidence of title, have the absolute right to rely on the truth and accuracy of all statements appearing in such affidavit and are under no obligation to inquire further as to any matter or fact relating to the park owner's compliance with the provisions herein.

C. It is the purpose and intention of this section to preserve the marketability of title to mobilehome parks, and accordingly, the provisions of this section shall be liberally construed in order that all persons may rely on the record title to mobilehome parks. (Ord. 2268 § 1, 1988).

9.60.050 Judicial rights.

A resident organization entitled to the right to purchase the mobilehome park which is not provided such right shall be entitled to such equitable relief and/or damages for such failure as deemed appropriate by a court of competent jurisdiction. (Ord. 2268 § 1, 1988).

X. Environmental Protection and Conservation

Chapter 9.70

WATER CONSERVATION MEASURES

Sections:

9.70.010 Regulation of sale and installation of high flow water fixtures.

9.70.010 Regulation of sale and installation of high flow water fixtures.

A. Definitions.

1. "High flow water fixture," for the purposes of this section, shall mean any of the following devices:

a. A toilet (also known as a water closet) which permits the usage of greater than 3.5 gallons per flush ("high flow toilet").

b. A shower nozzle which permits the usage of greater than 2.5 gallons per minute maximum volume ("high flow shower nozzle").

c. A urinal which permits the usage of greater than 1.0 gallons per flush ("high flow urinal").

d. A sink faucet which permits the usage of greater than 2.5 gallons per minute ("high flow sink faucet").

e. A lavatory faucet which permits the usage of greater than 2.0 gallons per minute ("high flow lavatory faucet").

2. "Retailer," for the purposes of this section, shall mean any person, including, but not limited to, an individual, firm, association, or corporation, licensed by the city to conduct, or conducting, a commercial retail business.

B. Installation of High Flow Water Fixtures Within City. It shall be illegal from and after April 15, 1991 for any person, including, but not limited to, any individual, partnership, firm, corporation, or association, to install a high flow water fixture in any building on property which, in whole or in part, is located within the city limits of the city of Chula Vista.

C. Marking of High Flow Water Fixtures.

1. No retailer in the city of Chula Vista shall offer a high flow toilet (or water closet) within the city limits without having clearly marked thereon, or if said toilet is presented for sale in a package, then on the package in which the said toilet is offered for sale, accurately and in a manner and location clearly visible from on the outside of said package, the number of gallons, measured to the